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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,165	03/05/2002	Osamu Kamataki	Q68836	5468

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EXAMINER

ASTORINO, MICHAEL C

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/090,165	Applicant(s) KAMATAKI ET AL.	
	Examiner Michael C Astorino	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The examiner acknowledges the amendments made in document filed January 5, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Weisner et al. US Patent Number 5,262,944 A.

Claim 1. A method of displaying vital signs for use with a bedside monitor which comprises a first display section and a second display section provided in the first display section, comprising the steps of:

disposing the bedside monitor at a bedside of one of a plurality of patients; (see column 4, lines 43-49)

simultaneously displaying, in the first display section, parameter values of a plurality of sets of vital signs measured for the patients respectively; (figure 3 and 4) and

displaying alarm information the second display section when at least one of vital signs of any of the patients is in a state where an alarm is to be generated. (76 alarm)

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Claim 2. A method of displaying vital signs for use with a bedside monitor which comprises a display area, the method, comprising the steps of:

disposing the bedside monitor at a bedside of one of a plurality of patients; (see column 4, lines 43-49)

simultaneously displaying, in the display area parameter values of a plurality of sets of vital signs measured for a the patients respectively; (figure 3 and 4)

displaying, in the display area, prioritized alarm information from among alarm information pertaining to vital signs for each of the patients, when at least one of the vital signs of any one of the patients is in a state in which an alarm is to be issued. (column 5, lines 49-67, column 6, lines 1-67, and column7, lines 1-66 and 76 alarm).

Response to Arguments

Applicant's arguments filed January 5, 2005 have been fully considered but they are not persuasive.

The applicant correctly asserts that in Weisner, "the central station 20 is distinguishable from the bedside monitor 10." However, nothing in the claim language prior to or after the amendment of January 5, 2005 obviates over Weisner.

The examiner is interpreting the central station of Weisner, as the "bed side" monitor of claims 1 and 2. To distinguish over Weisner the applicant needs to affirmatively recite the differences between the present invention and Weisner. For example, the bedside monitor of the present invention appears to be directly connected to the vital sign measurement devices and Weisner does not. Additionally, the present invention appears to be connected in a networked

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fashion including a central station/server, Weinsner is connected in a networked fashion as well, however the central station display the examiner is interpreting as the bedside monitor. The applicant can look to either difference, recite that difference in claim 1 and 2 and can potentially recite an allowable claim.

Moreover, regarding the limitation of claim 1 as presently stated, particularly, “disposing the bedside monitor at a bedside of one of a plurality of patients” implies a distance from the bed and the bedside monitor. But, the disposition of the bedside monitor in proximity to the bed is necessarily based on some reference point. However, a reference point is lacking from the claimed language.

As a point of context into the Weinsner patent, it is disclosed as being used in an ICU. It is well known in the art that a central nurse’s station can be and frequently is used in a large single room accommodating numerous patients. Assuming the Weinsner system were situated in such an ICU, the implied assertion of “disposing the bedside monitor at a bedside of one of a plurality of patients” would be met in a another manner. For clarity purposes, the previous hypothetical large single room ICU is not being used to reject claims 1 and 2.

Allowable Subject Matter

Claims 3-8 are allowed over the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Astorino whose telephone number is 703-306-9067. The examiner can normally be reached on Monday-Friday, 10:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (703) 308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael Astorino
March 21, 2004


MAX F. HINDENBURG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700